

**REMARKS**

This amendment and RCE are being filed in lieu of an Appeal Brief in the above matter.

Independent claim 1 has been amended to specify that the wiring substrate is interposed between and in direct contact with both the lower chip and the upper chip. Rostocker not only doesn't teach this, Rostocker teaches against this. More particularly, Rostocker spaces his die above the substrate by means of solder bumps. Rostocker requires this structure in order to permit bonding to conductive traces on the lower side of his die. Thus, Rostocker is fundamentally different from Applicant's claimed invention, i.e., in which the wiring substrate, interposed between the upper and lower chips is in direct contact with both the upper and lower chips.

In the Final rejection the Examiner acknowledges that the combination of Warren and Bruce et al. is deficient in failing to teach bonding pads on the upper chip that connect the bonding pads of the substrate disposed on the lower surface of the upper chip. Since Rostocker is structurally fundamentally different, it is submitted that one skilled in the art would not be motivated to modify Warren and Bruce in light of the teachings of Rostocker as suggested by the Examiner. Moreover, even assuming arguendo one skilled in the art would so modify Warren and Bruce et al. as suggested by the Examiner, i.e., by adopting Rostocker's teachings of bonding pads on a chip that connect to bonding pads of a substrate disposed on a lower surface of the chip, the resulting combination would not achieve the present claimed invention since that would either provide a structure in which die is spaced above the substrate by solder bumps, or require modifying also Rostocker to eliminate Rostocker's required solder bumps.

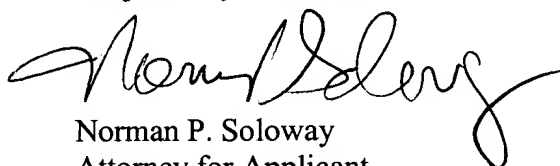
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In view of the foregoing amendments and comments it is submitted that the application is now in order for allowance.

In the event there are any fee deficiencies or additional fees payable, please charge them (or credit any overpayment) to our deposit account number 08-1391.

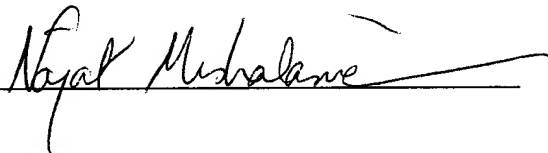
Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 2, 2003, at Tucson, Arizona.

By 

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